C.J.'s Court

Civil Writ Petition No. 208 (M/B) of 2002

Honda Siel Power Products
and others …… Petitioners

V/s

State and others …….. Respondents

……..

Hon. A.A. Desai, C.J.
Hon. Irshad Hussain,J.

Heard Sri Sudhir Chandra, learned counsel for the petitioners, learned C.S.C. for the respondents nos. 1 to 5, Miss Neeru Vaid and Sri Nandan Arya, learned counsel for the respondents nos. 6 to 8.

The petitioner company has an industrial unit at Rudrapur. They decided to shift Aluminum machine shop of the industrial unit to Greater Noida. The employees of the industrial unit lodged a protest against the shifting and they have carried the agitation. The petitioner company thereupon filed a civil suit for injunction. The trial Court refrained the workers from carrying agitation with certain limit. In appeal, the same was confirmed. This Court in a further proceedings under Article 227 of the Constitution of India, directed the police authorities to provide the protection to the property of the petitioner company. It appears, as reported, that several F.I.Rs. have been lodged. The Company apprehends in this background violence and a serious threat to law and order. Therefore, they filed the instant petition.

Heard Sri Sudhir Chandra, learned counsel for the petitioners. He precisely confined the relief that the public authorities, namely, the police discharge their public function to maintain law and order.

Mr. Sudhir Chandra on behalf of President/Chief Executive Officer of the Company unequivocally made a statement that in the event of the shifting of the Aluminum machine shop, there would not be either closure of the industrial unit at Rudrapur or any retrenchment or reduction in the strength. The employees working in the shop which is under shifting will

be accommodated and continued in the employment with the continuity of service on the same terms and conditions and with the same wages at Rudrapur. Sri Sudhir Chandra, learned counsel for the petitioners, also made a statement that workers who are on strike if report to their duties, the management will allow them to resume their work.

In view of this, we direct the district administration particularly Senior Superintendent of Police, Udham Singh Nagar to maintain strict law and order. He shall prevent any untoward incident, violence etc. in the surrounding area of the industrial unit of the Company.

This is without prejudice to the respective rights and claims of the parties, in case if any, under the relevant law.

In view of the above, this petition as well as W.P. No. 209 of 2002(M/S) are disposed of.

Sd/-

Dt: 13.06.2002

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Clarification App. No. 4088 of 2002
In
W.P. No. 208 of 2002 (M/B)

Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Pant, J.

Mr. V.B.S. Negi, Advocate for the petitioners.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 5.

Mr. Naresh Pant, Advocate for respondent No. 6.

None for respondents Nos. 7 & 8.

As Mr. V.B.S. Negi, the learned counsel for the petitioners does not press CLMA No. 4088 of 2002, the same is dismissed as not pressed.

(P.C.P.,J.) 12.7.2006 **(R.G., C.J.)** 12.07.2006

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